

और नवी मुम्बई में एक अन्य एयरपोर्ट का निर्माण करने के लिए नवी मुम्बई स्थित स्थान पर विचार किया जा सकता है;

और जबकि केन्द्र सरकार का यह विचार है कि उक्त अधिसूचना में संशोधन करना और इस कार्य में तेजी लाना लोकहित में आवश्यक है;

और जबकि पर्यावरण (संरक्षण) नियमावली, 1986 के नियम 5 के उप-नियम (4) में यह कहा गया है कि, "उप-नियम (3) में निहित अन्य बातों के होते हुए, जहां केन्द्र सरकार को यह लगता है कि ऐसा करना लोकहित में है तो वह उक्त नियमावली के उप-नियम (3) के खंड (क) के अन्तर्गत नोटिस की आवश्यकता के बिना भी व्यवस्था कर सकती है";

और जबकि छत्रपति शिवाजी इन्टरनेशनल एयरपोर्ट, मुम्बई में विद्यमान विशेष परिस्थितियों को ध्यान में रखते हुए केन्द्र सरकार का यह विचार है कि उक्त अधिसूचना में संशोधन करने के लिए नियम 5 के उप-नियम (3) के खंड (क) के अन्तर्गत नोटिस की आवश्यकता को समाप्त करना लोकहित में है ;

अतः अब पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 और धारा 6 की उप-धारा (1) और उप-धारा (2) के खंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा पर्यावरण एवं वन मंत्रालय, भारत सरकार की दिनांक 19 फरवरी, 1991 की अधिसूचना संख्या का.आ. 114(अ) में पुनः संशोधन करने के लिए निम्नलिखित संशोधन करती है, नामशः :—

(क) उक्त अधिसूचना में, पैरा 2, उप-पैरा (i) में, उल्लिखित परन्तुक के बाद निम्नलिखित परन्तुक जोड़ा जाएगा नामशः :—

"इसके अलावा, नवी मुम्बई में ग्रीन फील्ड एयरपोर्ट विकसित करने की अनुमति व्यापक वैज्ञानिक अध्ययन के अधीन होगी, ताकि तटीय पर्यावरण को नुकसान से बचाने के लिए अपेक्षित पर्याप्त पर्यावरणीय सुरक्षा उपाय शामिल किए जा सकें जो कि नवी मुम्बई क्षेत्र के लिए उपयुक्त होंगे।"

(ख) उक्त अधिसूचना के अनुबंध में :

(i) मद संख्या (च) के बाद सी आर जैड शीर्षक के अन्तर्गत प्रविष्टियों में निम्नलिखित मद शामिल की जाएगी, नामशः :—

"(छ) नवी मुम्बई में ग्रीन फील्ड एयरपोर्ट का निर्माण व संबंधित गतिविधियां";

(ii) मद संख्या (आई ई) के बाद सी आर जैड-II शीर्षक के अन्तर्गत प्रविष्टियों में निम्नलिखित मद शामिल की जाएगी, नामशः :—

"(आई एफ) नवी मुम्बई में ग्रीन फील्ड एयरपोर्ट का निर्माण व संबंधित गतिविधियां";

(iii) मद संख्या (V) के बाद सी आर जैड-III शीर्षक के अन्तर्गत प्रविष्टियों में निम्नलिखित मद शामिल की जाएगी, नामशः :—

"(vi) नवी मुम्बई में ग्रीन फील्ड एयरपोर्ट का निर्माण व संबंधित गतिविधियां";

[फा. सं. एच-11011/6/97-आईए-III]

डॉ. नलिनी भट्ट, वैज्ञानिक 'जी'

टिप्पणी : प्रमुख अधिसूचना भारत के राजपत्र में का.आ. 114(अ), दिनांक 19 फरवरी, 1991 द्वारा प्रकाशित की गई और बाद में निम्नलिखित अधिसूचनाओं के तहत संशोधित की गई :—

1. का.आ. 595(अ), दिनांक 18 अगस्त, 1994
2. का.आ. 73(अ), दिनांक 31 जनवरी, 1997
3. का.आ. 494(अ), दिनांक 9 जुलाई, 1997
4. का.आ. 334(अ), दिनांक 20 अप्रैल, 1998
5. का.आ. 873(अ), दिनांक 30 सितम्बर, 1998
6. का.आ. 1122(अ), दिनांक 29 दिसम्बर, 1998
7. का.आ. 988(अ), दिनांक 29 सितम्बर, 1999
8. का.आ. 730(अ), दिनांक 4 अगस्त, 2000
9. का.आ. 900(अ), दिनांक 29 सितम्बर, 2000
10. का.आ. 329(अ), दिनांक 12 अप्रैल, 2001
11. का.आ. 988(अ), दिनांक 3 अक्टूबर, 2001
12. का.आ. 550(अ), दिनांक 21 मई, 2002
13. का.आ. 1100(अ), दिनांक 19 अक्टूबर, 2002
14. का.आ. 52(अ), दिनांक 16 जनवरी, 2003
15. का.आ. 460(अ), दिनांक 22 अप्रैल, 2003
16. का.आ. 635(अ), दिनांक 30 मई, 2003
17. का.आ. 636(अ), दिनांक 30 मई, 2003
18. का.आ. 563(अ), दिनांक 24 जून, 2003
19. का.आ. 838(अ), दिनांक 24 जुलाई, 2003
20. का.आ. 86(अ), दिनांक 25 जनवरी, 2005
21. का.आ. 451(अ), दिनांक 26 मार्च, 2007

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 15th May, 2009

S.O. 1243(E).—Whereas, by the notification of the

Government of India in the Ministry of Environment and Forests number S.O. 114(E), dated the 19th February, 1991, (hereinafter referred to as the said notification), the Central Government declared Coastal Stretches as Coastal Regulation Zone and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said Zone;

And whereas, it has been brought to the notice by the Ministry of Civil Aviation that the Chhatrapati Shivaji International Airport, Mumbai would get saturated by 2013 with forty million passengers per annum and in view of special circumstance prevalent at the said Airport, the Mumbai city needs a second airport;

And whereas, the Government of Maharashtra has constituted a site selection Committee on the 24th November, 1997 which found the Navi Mumbai site with two runways more suitable out of the three sites considered and the State Government has about eighty per cent of the land at Navi Mumbai in its possession with City and Industrial Development Corporation of Maharashtra Limited and at the proposed site there is peripheral physical and social infrastructure already existing and geographically the proposed site is centrally located and the travel time by road to the proposed airport is as per the international norms;

And whereas, it has been informed by City and Industrial Development Corporation of Maharashtra Limited, Government of Maharashtra that the proposed airport site falls in Coastal Regulation Zone-I(i), I(ii), III and water area as per the approved Coastal Zone Management Plan of Maharashtra and the proposed airport would require reclamation of some parts of creeks and low lying areas abutting Panvel creek and Vhagiwali Island;

And whereas, the Hon'ble High Court, Mumbai, in its Order dated the 29th April, 2009 in Notice of Motion No.116 of 2009 in Public Interest Litigation No. 87 of 2006, has observed as under :—

“5. We do not find any where that any authority has been vested by this Court's order to exercise its statutory functions and powers, and the builder is restrained by order dated 6th October 2005 from construction within certain areas. That question may not arise at present.

6. Therefore, we observe that this Court's order dated 6th October, 2005 does not restrict power of any authority to exercise its statutory power in accordance with law. This Notice of Motion is made absolute with these observations.”;

And whereas, in addition to the above, the Central Government has decided to consider the proposal for developing green field airport at Navi

Mumbai in the coastal areas without compromising environmental considerations;

And whereas, the Central Government is of the opinion that a second airport is required for Mumbai in public interest in large and the site at Navi Mumbai can be taken up for construction of the second airport;

And whereas, the Central Government is of the opinion that it is necessary and expedient in the public interest to amend the said notification;

And whereas, sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986 provides that, "Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3) of the said rules”;

And whereas, the Central Government, in view of special circumstances prevalent at the Chhatrapati Shivaji International Airport, Mumbai, is of the opinion that it is in the public interest to dispense with the requirement of notice under clause (a) sub-rule (3) of rule 5 for amending the said notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 and Section 6 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Environment and Forests number S.O.114(E), dated the 19th February, 1991, namely :—

- (a) In the said notification, in paragraph 2, in sub-paragraph (i), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the development of green field Airport at Navi Mumbai shall be undertaken subject to detailed scientific study for incorporating adequate environmental safeguard measures required for neutralising damage to coastal environment as may be appropriate to the Navi Mumbai region;”;

- (b) in the Annexure to the said notification :—

- (i) in the entries under heading CRZ-I, after the item (f), the following item shall be inserted, namely :—

“(g) development of green field airport and related activities at Navi Mumbai.”;

- (ii) in the entries under heading CRZ-II, after the item (ie), the following item shall be inserted, namely:—

“(if) development of green field airport

and related activities at Navi Mumbai”.

(iii) in the entries under heading CRZ-III, after the item (v), the following item shall be inserted, namely :—

“(vi) development of green field airport and related activities at Navi Mumbai

[F. No. H-11011/6/97-IA-III]

Dr. NALINI BHAT, Scientist ‘G’

Note : The principal notification was published in the Gazette of India *vide* number S.O. 114(E), dated the 19th February, 1991 and subsequently amended *vide* notifications:—

1. S.O. 595(E), dated the 18th August, 1994
2. S.O. 73(E), dated the 31st January, 1997
3. S.O. 494(E), dated the 9th July, 1997
4. S.O. 334(E), dated the 20th April, 1998
5. S.O. 873(E), dated the 30th September, 1998

6. S.O. 1122(E), dated the 29th December, 1998
7. S.O. 998(E), dated the 29th September, 1999
8. S.O. 730(E), dated the 4th August, 2000
9. S.O. 900(E), dated the 29th September, 2000
10. S.O. 329(E), dated the 12th April, 2001
11. S.O. 988(E), dated the 3rd October, 2001
12. S.O. 550(E), dated the 21st May, 2002
13. S.O. 1100(E), dated the 19th October, 2002
14. S.O. 52(E), dated the 16th January, 2003
15. S.O. 460(E), dated the 22nd April, 2003
16. S.O. 635(E), dated the 30th May, 2003
17. S.O. 636(E), dated the 30th May, 2003
18. S.O. 563(E), dated the 24th June, 2003
19. S.O. 838(E), dated the 24th July, 2003
20. S.O. 86(E), dated the 25th January, 2005
21. S.O. 451(E), dated the 26th March, 2007